

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services- I & CAD Department – Allegations of certain irregularities in excavation of power blocks of Jurala Project against Sri M.A.Rab, Assistant Engineer and others- Sri M.A.Rab, Assistant Engineer dismissed from service w.e.f. 27.12.1997- placed under deemed suspension as per APAT orders in Revenue M.A.No.3161/2003 in O.A.No. 116/1998 -Retired while on suspension on 31.03.2006- Treating the suspension/dismissal period as Not Duty - Orders - Issued.

IRRIGATION &CAD. (IW.SERVICES-VI.2) DEPARTMENT

G.O.Rt.No. 1502

Dated :10.09.2009.

Read the following:

1. G.O.Ms.No. 543, I & CAD (Ser.VI.2) Department, dt. 27.12.1997,.
2. From the APAT, Hyderabad orders dt. 22.9.2003 in Rev. M.A.No.3161/2003 in O.A.No.116/1998 filed by Sri M.A.Rab, Assistant Engineer (dismissed)
3. G.O.Rt.No.402, I & CAD(Ser.VI.2) Department, dt. 23.4.2004.
4. Govt. Memo.No. E.15846/Ser.VI.2/2003-1, dt. 23.4.2004.
5. G.O.Rt.No.151, I & CAD(Ser.VI.2) Department, dt. 24.1.2005.
6. G.O.Rt.No.1121, I & CAD (Ser.I) Department, dt. 8.8.2006.
7. From the Hon'ble APAT orders dt. 10.12.2008 in O.A.No.2140 of 2006 filed by Sri M.A. Rab, AE (Retd.).
8. From the Tribunal for disciplinary proceedings, Hyderabad Lr.Dis.No.127, dt. 17.2.2009.
9. G.O.Rt.No.536, I&CAD (Ser.VI.2) deptt., dated:2-5-2009
10. Representation submitted by Sri M.A. Rab, Assistant Engineer (Retired) dt. 10-7-2009.
11. From the ENC (AW) Hyderabad, Lr. No. RC/ENC/S II(2)/39844/88 dt. 1.6.2009.

O R D E R:

In the reference 1st read above, Sri M.A. Rab, Assistant Engineer, Priyadarsini Jurala Project, Gadwal, Mahabubnagar District was dismissed from service after conducting enquiry into the charges framed against him when he was working in Priyadarshini Jurala Project Dam at Gadwal , Mahabubnagar District consequent on the above dismissal orders he was relieved from service on 8.1.1998 AN.

2. In the reference 3rd read above, Government have placed Sri M.A. Rab, Assistant Engineer, Priyadarsini Jurala Project, Gadwal, Mahabubnagar District (dismissed) under deemed suspension from the date of original order of dismissal under sub-rule (4) of Rule 8 of Andhra Pradesh Civil Services (CC & A) Rules, 1991 and to continue him under suspension until the disciplinary proceedings are concluded and final orders issued in pursuance of the directions of the Andhra Pradesh Administrative Tribunal vide reference 2nd read above.

3. In the reference 4th read above, Government have placed Sri M.A.Rab, Assistant Engineer, Priyadarsini Jurala Project, Gadwal, Mahabubnagar District (under deemed suspension) on his defense before the Tribunal for Disciplinary proceedings for enquiry into the allegations framed against him.

4. In the reference 5th read above, orders were issued for sanction of subsistence allowance to Sri M.A.Rab, Assistant Engineer, Priyadarsini Jurala Project Gadwal, Mahabubnagar District (Under deemed suspension) @ 50% w.e.f. 27.12.1997 (i.e. date of dismissal from service) of his pay last drawn under F.R. 53, until further orders. In the reference 6th read above orders were issued releasing 75% of provisional pension to Sri M.A.Rab, AE (Retd.)

5. In the reference 7th read above, the Hon'ble APAT has passed orders in O.A. No. 2140/2006 filed by Sri M.A.Rab, Assistant Engineer(Retd.) and directed to release pension and all the pensionary benefits to the applicant.

6. In the reference 8th read above, the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad has informed that as per order dt. 10.2.2008 in O.A.No.2140/2006 on the file of the APAT, Hyderabad the enquiry initiated by the Tribunal for Disciplinary proceedings, Hyderabad vide T.E.C.No.21/2006 is liable to be quashed and O.A. is accordingly allowed and the enquiry initiated by the tribunal in T.E.C.No.21./2006 on the file of II Member, Tribunal for Disciplinary Proceedings, Hyderabad stands quashed.

7. In the reference 9th read above, orders were issued to implement of the orders dt. 20.12.2008 of the Hon'ble APAT in O.A. No. 2140/2006 with VMA No.1449/2006 and in O.A.No.7919/2008 and O.A.No.2553/2007 and to release all the pensionary benefits to Sri M.A.Rab, Assistant Engineer (Retd.). In the reference 10th read above, Sri.MA.Rab, Assistant Engineer (Retd.), has requested to treat his suspension period as on duty.

8. In the reference 11th read above, the Engineer-In-Chief (Administration Wing), Hyderabad, has forwarded the representation of Sri M.A.Rab, AE(Retd.) and requested to issue specific orders regarding the regularization of suspension period in respect of Sri M.A. Rab, AE (Retd) for the period from 08-01-1998 to 31.03.2006.

9. After careful examination of the matter, Government have decided to treat the suspension/dismissal period of Sri M.A.Rab, AE (Retd.) from 08-01-1998 to 31.03.2006 as "not duty" , under F.R.54-B,as the suspension cannot be said to be wholly in justified in this case.

10. Accordingly, Government hereby order to treat the suspension/dismissal period from 08-01-1998 to 31.03.2006 of Sri M.A.Rab, AE (Retd) as Not duty, under F.R. 54-B.

11. The Engineer-in-Chief (Administration Wing), Hyderabad shall take necessary further action in the mater.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. TUCKER

PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (Administration Wing),
I & CAD Department, Errum Manzil, Hyderabad.
Sri M.A.Rab, Assistant Engineer (Retd.)
through the Engineer-in-Chief (Administrative Wing),Hyderabad.
Sf/Spare.

// FORWARDED BY ORDER //

SECTION OFFICER